

MAR 08 2013

JULIA C. DUDLEY, CLERK
BY: *Julia C. Dudley*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MELISSA FORE,)
Plaintiff,)
v.)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)
By: Michael F. Urbanski
United States District Judge

ORDER

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on February 13, 2013, recommending that plaintiff's motion for summary judgment be denied, the Commissioner's motion for summary judgment be granted and the Commissioner's final decision be affirmed. Plaintiff has filed objections to the report and recommendation.

The court has reviewed the magistrate judge's report, the objections to the report, and the pertinent portions of the administrative record and, in so doing, made a de novo determination of those portions of the report to which the plaintiff objected. The court finds that the magistrate judge was correct in concluding that there is substantial evidence in the record to support the ALJ's determination. Accordingly, the court accepts the magistrate judge's recommendation that the Commissioner's decision should be affirmed.

It is therefore ORDERED and ADJUDGED that plaintiff's motion for summary judgment (Dkt. # 14) is DENIED, the Commissioner's motion for summary judgment (Dkt. # 20) is GRANTED, the report and recommendation (Dkt. # 24) is ADOPTED in its entirety,

the Commissioner's decision is **AFFIRMED**, and this matter is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

Entered: March 8, 2013

ts/Michael F. Urbanski

Michael F. Urbanski
United States District Judge